



Republic Act 8371- SEC. 15- JUSTICE SYSTEM, CONFLICT RESOLUTIONS, & PEACE BUILDING PROCESSES; NATURAL LAW OF THE LAND; Ratification of Tribal Sovereign Power dated March 08, 2005; Corporation Sole of Tribal King dated March 15, 2018; Royal Decree No. 04/2017; M.T.K Royal Charter & Bylaws in 2018.



R.A 8371, CHAPTER IV, SEC. 13- SELF-GOVERNANCE & EMPOWERMENT; SEC. 65- PRIMACY OF CUSTOMARY LAWS AND PRACTICES; Covenant of Tribal Sovereign Power Authority dated April 07, 2018; United Nation Declaration on the Rights of Indigenous Peoples; New Civil Society of Crown Corporation Sole dated March 15, 2018.



Maharlika Tribal Kingdom

NEW CIVIL SOCIETY OF CROWN CORPORATION SOLE
"A Non- Political Involved Maharlika Indigenous Community of Philippine Island"

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Royal Palace, Bukidnon

Royal Decree

(No. 03-3, March 18, 2018)

ON

NON-DISCRIMINATION LAW

I, HIS MAJESTY CONSTANCIO A. SALVO, JR./DATU KULUBAN, by the Grace of Almighty God Royal Highness King of the Philippine Archipelago (Maharlika Islands), Supreme Chieftain/National Chieftain/Tribal President of all Tribal Datus and Indigenous Peoples/ICC's of 110 Tribes, Tribal Babaylanon King from Generation to Generations, 5 Star General of H-GOI/ Chief of Staff/ H-WORLD UN-PI, and the Head King of Queens Kingdom

- Recalling the doctrine stated in the Royal Charter, Clause 19 of Maharlika Tribal Kingdom New Civil Society of Crown Corporation Sole, that Tribal Kingdom must be respected and appreciated by the Republic of the Philippines, for unity, peace, and stability of indigenous society;
- Recalling Chapter 2, Clause 20 of the Royal Charter promulgating that the Tribal Kingdom shall preserve, protect and to hold in perpetuity the property, rights, and the possession of the Crown entire from generation to generations and continue to establish the native and fundamental rules, which are customary and natural law since time immemorial;
- Recalling Chapter 2, Clause 35 of the Royal Charter declaring that the Tribal Kingdom shall protect the general rights of indigenous society;
- Recalling Article 9 of the United Nation Declaration on the Rights of Indigenous Peoples proclaiming that indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;
- Recalling Article 1 of the Universal Declaration of Human Rights affirming that all human beings are born free and equal in dignity and rights;
- Observing that discrimination by means of its nature harms Tribal Kingdom's indigenous people capabilities in unjust ways, growing cycles of downside and denials of freedom which avoid human development;
- Recognizing the importance of combating every structure of discrimination, including the need to take appropriate action to enable indigenous people who are disadvantaged to understand their full potential, and contribute to their full participation in economic, social, cultural, and civil life;
- Determined to take further steps to promote the equality of all indigenous people through the effective enforcement of prohibitions of discrimination in customary laws as well as in Tribal Kingdom's rules;
- Aiming to terminate unjust inequalities and to promote full and efficient equality.

HEREBY DECREE

CHAPTER I GENERAL PROVISIONS

Section 1- Title.

This Royal Decree shall be known as the "Non-Discrimination Law". A Decree which promotes the principle of equality and underlines protection for the rights, interest and integrity of the indigenous peoples of the Tribal Kingdom against discrimination.

Section 2- Fundamental Principles.

The following essential principles in the enforcement of this Decree shall be acknowledged:

- a) **Tribal Sovereignty.** The legal and independent authority of the Tribal Kingdom derives from the royal authority of the H.M.R.H.K as the Crown and supreme command all over the territories in accordance with the Divine Right, adopting the customary laws and traditions of the tribes, and the Natural law of the Land, solely to serve and protect the indigenous peoples' rights and interests;
- b) **Crown.** The Crown had principal attributes which are the sovereignty or pre-eminence, perfection, and perpetuity; and these attributes are attached to the H.M.R.H.K as the wearer of the Crown and has principal duty to govern His people according to law as ratified in the covenant and ratification of the Tribal Sovereign Power Authority;
- c) **The Right to Equality.** The right to equality is the right of all indigenous people to be equal in dignity, to be treated with respect and consideration and to participate on an equal foundation with others in any area of economic, social, cultural or civil life within the territory;
- d) **Equal Treatment.** To realize full and effective equality it is necessary to treat indigenous people as well as the Tribal Kings and the Tribal Queens in every territory of the Tribal Kingdom with respect according to their distinct identities, characteristics, privilege, honor, title, position or dignity, to assert their equal well worth and to develop their capabilities to take part in society as equals to other groups, institutions, or State-IPs communities, and individuals within the territory;
- e) **Positive Action.** Positive action, which includes a range of customary laws, decree or mandatory command of the H.M.R.H.K, Kingship management and policy measures to overcome past and future disadvantage and to accelerate progress towards equality of particular indigenous community to other groups, institutions, or State-IPs communities, and individuals, is a necessary element within the right to equality.

CHAPTER II NON-DISCRIMINATION

Section 3- The Right to Non-Discrimination.

The right to non-discrimination is a fundamental and independent right, embodied in the right to equality.

Section 4- Definition of Discrimination.

- a) Discrimination shall be prohibited where it is on grounds of race, color, ethnicity, descent, sex, pregnancy, maternity, civil, family or career status, language, faith or belief, different opinion, birth, ethnic or social origin, nationality, economic status, affiliation with a racial minority, sexual orientation, gender identity, age, disability, fitness status, genetic or other predisposition toward illness or a mixture of any of these grounds, or on the basis of traits associated with any of these grounds;

- b) Discrimination primarily based on any other ground shall be prohibited where such discrimination (i) causes or perpetuates systemic disadvantage; (ii) undermines human dignity; or (iii) adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is same to discrimination on the prohibited grounds mentioned in sub-section (a), section 4 of this Royal Decree;
- c) Discrimination must also be prohibited when it is on the ground of the association of a person with other persons to whom a prohibited ground applies or the perception, whether accurate or otherwise, of a person as having a characteristic associated with a prohibited ground;
- d) Discrimination may be direct or indirect;
- e) Direct discrimination happens when, for a reason related to one or more prohibited grounds, a person or a group of people is treated much less favorably than another person or group of people is, has been or is would be treated in a similar situation; or when for a reason related to one or more prohibited grounds a person or a group of people suffers detriment;
- f) Indirect discrimination comes when a provision, a criterion or a practice places a particular disadvantage in relation to other persons having a status or a characteristic associated with one or more prohibited grounds, unless this provision, this criterion or this practice is objectively justified by a legitimate aim, and the means to achieve that end are appropriate and necessary;
- g) Harassment constitutes discrimination when there is unwanted behavior related to any prohibited ground that has the purpose or effect of undermining a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- h) An act of discrimination may be committed intentionally or unintentionally.

Section 5- Association between the Grounds of Discrimination.

The law must provide equal protection against discrimination, regardless of the ground or combination of grounds at issue.

Section 6- Violence.

Any act of violence motivated in whole or in part by the fact that the victim has a characteristic or status associated with a prohibited motive constitutes a serious violation of the right to equality. Such motivation must be considered an aggravating circumstance in the commission of crimes of violence, and the Tribal Kingdom must take all appropriate measures to sanction, prevent and deter such acts.

**CHAPTER III
DEFINITION OF TERMS**

Section 7- Terms Used in this Royal Decree.

The following terms, as used in this Royal Decree, are defined as follows;

- a) **Tribal Kingdom.** It refers to the indigenous community, tribal nation or tribal government named "Maharlika Tribal Kingdom New Civil Society of Crown Corporation Sole" as incorporated and authorized by the royal authority and sovereignty of the H.M.R.H.K;
- b) **State-IPs Communities.** It refers to the indigenous peoples' communities who are registered as Indigenous Peoples Organization (IPO) under the State sovereignty which is the Republic of the Philippines.

CHAPTER IV COVERAGE AND RIGHT-HOLDERS

Section 8- Coverage.

The coverage of this Royal Decree applies in all areas and territories regulated by the law of the Tribal Kingdom.

Section 9- Right-holders.

The right to equality as provided in sub-section (c), Section 2 of this Royal Decree is inherent to all indigenous people and can be applied by any person or group of persons who have a common interest in upholding this right. This must be freely exercised by all persons present or subject to the jurisdiction of the Tribal Kingdom.

CHAPTER V RIGHTS, OBLIGATIONS, FULFILMENT AND EDUCATION

Section 10- Rights and Obligations.

The Tribal Kingdom shall have these rights and obligations enumerated in this section, but not limited to the following:

- a) To respect, protect, promote and implement the right to equality and non-discrimination to all persons present on territories or subject to the Tribal Kingdom's jurisdiction. Non-territory actors, State-IPs communities, including transitional institutions or corporations and other non-maharlikan legal entities, should respect the right to equality and non-discrimination in all areas of activity regulated by the law of the Tribal Kingdom;
- b) To take all adequate actions to ensure that all public authorities, non-governmental organization, private sector, and institutions act in abidance with the right to equality;
- c) To take all adequate actions to eliminate all forms of discrimination by any person, or any public or private sector organization;
- d) To promote equality in all relevant policies and programs;
- e) To abstain from adopting any policies or undertaking any act or practice inconsistent with the right to equality.

Section 11- Fulfilment of Equality and Non-Discrimination.

The fulfilment of the right to equality and non-discrimination requires mutual acknowledgement and adoption of equality laws and policies without any prejudice to equal protection of the law.

Section 12- Education on Equality and Non-Discrimination.

Tribal Kingdom have a duty to raise public awareness of equality and non-discrimination, and to ensure that all territories provide suitable education on equality as a fundamental right.

Section 13- Access to the Tribal Justice System.

Indigenous people who are victims of discrimination shall have the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimized, and to seek legal redress and an effective remedy. They must have effective access to the judicial and/or administrative procedures, and adequate legal assistance of the Tribal Kingdom for this purpose.

CHAPTER VI ENFORCEMENT

Section 14- Exploitation.

The Tribal Kingdom by its Tribal legal system must protect the indigenous people from adverse treatment or consequence in response to a complaint or proceeding to enforce equality and non-discrimination provisions.

Section 15- Compliance.

State, associations, organizations or other legal entities must respect and observe the provisions set out in this Royal Decree as conformity to the enforcement of the right to equality and non-discriminatory law.

Section 16- Evidence and Proof.

Any persons or indigenous people who raises an issue or complaint in regards to the prohibited ground of discrimination, they must have to provide an appropriate evidence or proof of their allegations attached to their complaints for actions. Such proof may base to the rules on evidence in tribal proceedings, particularly facts from which it may be presumed that there has been discrimination, it shall be for the respondent to prove that there has been no breach of the right to equality and law to non-discrimination.

Section 17- Sanctions and Remedies.

Sanctions for violation of this non-discrimination law must be effective, proportionate and customary. Sanctions must provide adequate remedies for those whose right to equality has been violated, including compensation for material and non-material damages; sanctions may also require the elimination of discriminatory practices and the implementation of structural or policy changes necessary to realize the right to equality and non-discriminatory law.

Section 18- Specialized Committee.

There shall be a specialized committee for the protection and promotion of the non-discrimination law and the right to equality. The structure of such committee may be prescribed by or in accordance with another Decree.

Section 19- Disclosure of Information.

This Royal Decree of non-discrimination law must be accessible to all indigenous peoples. Tribal Kingdom must take steps to ensure that this law is brought to the attention of all those who may be affected by all appropriate means.

CHAPTER VII FINAL PROVISION

Section 20-Regulatory Provision.

Any provisions contradicting or contravening this Royal Decree shall be considered null and void.

Section 21- Effectivity.

This Royal Decree shall take effect immediately.

The Royal Palace, Bukidnon, 18 March 2018.

By Authority Under the H.M.R.H.K's Sign Manual and Seal


His Majesty Royal Highness King
CONSTANCIO A. SALVO, JR./ DATU KULUBAN

Countersigned by the Administering Body of the Tribal Kingdom
Executive Tribal Kings Staff of Royal Council


KING CORNELIO C. LUMASAY/ DATU MANTULTULAN


KING ARVIN B. AMORES/ DATU INTUNDA SALUNAY


KING RODOLFO B. RONCE/ DATU SINDULAN

The Drafter and the copy is valued for publication
Royal Palace, Bukidnon, 18 March 2018
HMQ General Secretary of the Tribal Kingdom
Signature


HMQ ANGEL A. ESPALTERO/ BAI MAGSUSULAT

MAHARLIKA TRIBAL KINGDOM
CERTIFIED TRUE COPY
FROM ORIGINAL

DATE: 19 MAR 2018

The Common Seal of the Tribal Kingdom:

